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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,583	11/02/2001	Anders Eckerbom	980166US/II	6352
466	7590	11/05/2004		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER CECIL, TERRY K	
			ART UNIT 1723	PAPER NUMBER

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,583

Applicant(s)

ECKERBOM ET AL.

Examiner

Mr. Terry K. Cecil

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13, 16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12, 16 and 19 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 13 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. The claims are objected to because of the following:
 - Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claims in independent form. It is not seen how the intended use of the water trap (e.g. being used one, twice, etc.) further limits the structure thereof.
 - Claim 13, line 2, "that" should be replaced with —the—.
 - Claim 18, the extra period at the end of the claim should be removed.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

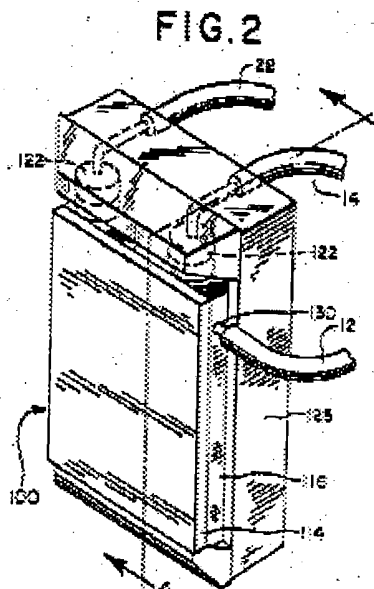
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

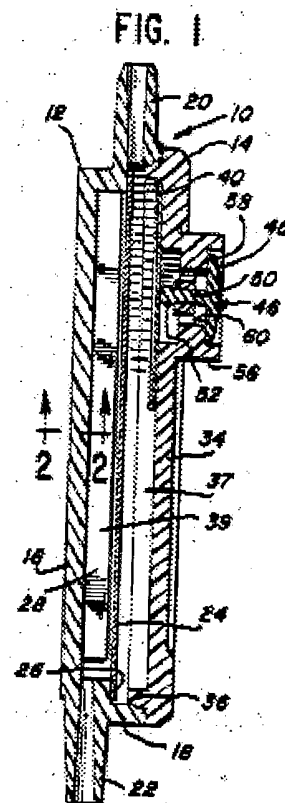
3. Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ricciardelli et al. (U.S. 4,592,368) in view of Ruschke (U.S. 4,298,358) and Sklenak et al. (U.S. 5,135,645).



Ricciardelli teaches a combination water trap 100 and holder 128, wherein the trap includes a gas inlet 12 and two connection passageways (120, figure 3) connecting to corresponding connectors (122) on the holder which are in turn connected to a gas analysis unit [as in claims 1 and 3].

Ricciardelli doesn't teach a filter in his separation chamber but such is taught by Ruschke. Ruschke also

teaches a water trap 10, wherein the trap includes a filter 24 and separation chamber (see figures 1 or 2)[as in claim 1]. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the filter 24 of Ruschke in the water trap of Ricciardelli, since such would provide the benefit of removing solid contaminants from the gas (e.g. bacteria) that might affect the readings in the analyzer and cause bacterial contamination downstream from the trap (including when the gas is vented to the atmosphere).



Ricciardelli doesn't teach his holder to include an electric contact that functions to detect the presence of the separator and to stop fluid flow when the separator has been removed.

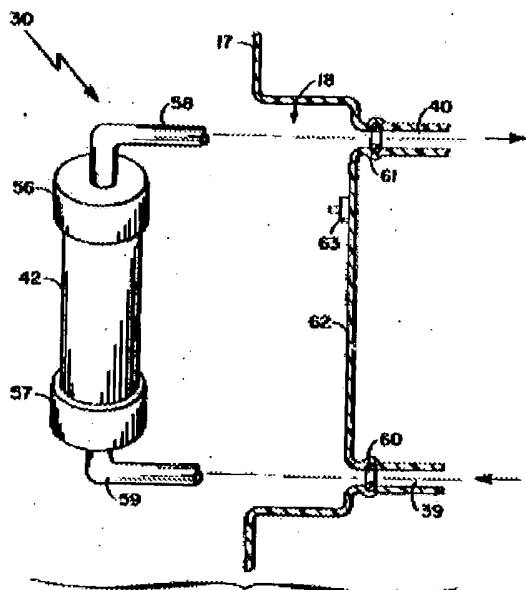


Fig. 4A

However such is taught by Sklenak. Sklenak teaches a holding cavity that includes an electric contact 63 that functions to stop fluid flow when the separator 30 is not present (col. 6, lines 1-6).

It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the contact 63 of Sklenak in the holder of the modified Ricciardelli, since such would prevent operation of the system when the

necessary water trap is missing.

As for claim 2, the connectors of Ricciardelli are considered to be quick connects. As for claim 7, the modified water trap can be used as many times as desired (including once).

Allowable Subject Matter

4. Claims 8-12, 16 and 19 are allowed.
5. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13 and 18 are objected for reasons given above.

Art Unit: 1723

6. The following is a statement of reasons for the indication of allowable subject matter:
For claims 5 and 18, the closest cited art—Ricciardelli, Ruschke, and Sklenak— fail to anticipate or render obvious, alone or in any proper combination, the second electric contact element which functions to detect the type of water trap fitted to the holder unit and to adjust the flow rate of the analysis unit in accordance thereof. For claim 8, the closest art fails to teach the second contact element configured to detect the type of water trap inserted into the holder unit in combination with all the other limitations of claim 8.

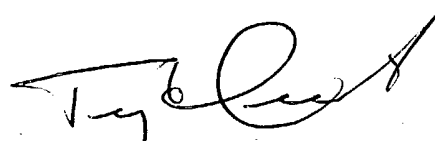
Response to Arguments

7. Applicant's arguments with respect to amended claim 2 have been considered but are moot in view of the new grounds of rejection. It is agreed that Franz, applied by the prior examiner is not available as prior art because of the its filing date.

Art Unit: 1723

8. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is 703-872-9306.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil
Primary Examiner
Art Unit 1723

TKC
October 29, 2004